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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,142	05/30/2001	Steven B. Smith	13660.17	4558

21999 7590 01/28/2008  
KIRTON AND MCCONKIE  
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SALT LAKE CITY, UT 84111

EXAMINER
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MADAMBA, CLIFFORD B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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01/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/870,142

Applicant(s)

SMITH ET AL.

Examiner

Clifford Madamba

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 11-15 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11-15 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date November 1, 2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/15/2007 has been entered.

***Status of Claims***

2. This action is in reply to the remarks and amendment filed on November 15, 2007.
3. Claim 1 has been amended.
4. Claims 2-10 and 16-31 have been canceled.
5. Claims 32-34 have been added.
6. Claims 1, 11-15 and 32-34 are currently pending and have been examined.

***Information Disclosure Statement***

7. The Supplemental Information Disclosure Statement filed on 11/1/2007 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

***Response to Arguments***

8. Applicant's arguments filed on November 15, 2007 have been fully considered but are not persuasive.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are now considered moot in light of the grounds of rejection, provided below, for the current listing of claims.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 1 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood").
11. Re claim 1 (currently amended): Chancey discloses *a method for budgeting financial resources in an automated fashion to provide a running balance, the method comprising:*

- *establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account (see at least column 3, lines 25-43); and,*
- *allocating transactions to a virtual account corresponding to the type of transaction (see at least column 3, lines 46-51; column 4, lines 1-5).*

Chancey doesn't explicitly disclose the limitations comprising

- *allocating portions of a budget to each of the plurality of accounts; and,*
- *automatically debiting the virtual account according to the transaction and crediting the virtual account when additional funds become available.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

12. Claims 11-15 and 32-34 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), and further in view of Goldsmith, U.S. 6,064,990 ("Goldsmith").
13. Re claim 32 (new): Chancey discloses *a method for managing financial resources in an automated fashion comprising:*
  - *establishing a plurality of virtual financial accounts overlaid upon at least one actual financial account (see at least column 3, lines 25-43); and,*
  - *allocating transactions to an account selected from the plurality of accounts (see at least column 3, lines 46-51; column 4, lines 1-5).*

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating a given amount of funding for each of the plurality of accounts; and,*
- *automatically debiting or crediting the allocated fund amount according to the transaction allocated to the particular account and from the actual financial account.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey also doesn't explicitly disclose the limitations comprising:

- *notifying a user when a purchase on a credit card or other financial instrument has been made.*

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).

14. Re claim 33 (new): Chancey discloses *a method for budgeting financial resources in an automated fashion comprising:*

- *establishing a plurality of virtual financial accounts overlaid upon an actual financial account (see at least column 3, lines 25-43); and,*
- *allocating transactions to a virtual account corresponding to the type of transaction (see at least column 3, lines 46-51; column 4, lines 1-5).*

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating a given amount of budget for each of the plurality of accounts; and,*
- *automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey also doesn't explicitly disclose the limitations comprising:

- *automatically periodically searching for transactions made on a user's credit card and;*
- *notifying the user of the transactions.*

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).

15. Re claim 34 (new): Chancey discloses *a method for budgeting financial resources in an automated fashion to provide a running balance, the method comprising:*

- *establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account (see at least column 3, lines 25-43); and,*

- *allocating transactions to a virtual account corresponding to the type of transaction (see at least column 3, lines 46-51; column 4, lines 1-5).*

Chancey doesn't explicitly disclose the limitations comprising:

- *allocating portions of a budget to each of the plurality of accounts;*
- *automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available when a new budgetary period begins.*

Wood, however, makes these teachings (see at least column 7, lines 17-22 and lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey also doesn't explicitly disclose the limitations comprising:

- *automatically periodically searching for transactions made on a user's credit card and notifying the user of the transactions;*
- *notifying a user when a purchase on a credit card or other financial instrument has been made;*

Goldsmith, however, makes this teaching (see at least column 1, lines 53-64; column 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, column 1, lines 51-52).



16. Re claims 11-15 (original): Further apparatus claims would have been obvious in order to perform the previously rejected method claims and are therefore rejected using the same art and rationale.

***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.
18. Claims 1, 11-15 and 32-34 are rejected.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi, can be reached at 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Clifford Madamba  
Patent Examiner  
January 10, 2008



Kambiz Abdi  
Supervisory Primary Examiner

**KAMBIZ ABDI  
SUPERVISORY PATENT EXAMINER**